

OHPELRA Update

THE OHIO PUBLIC EMPLOYER LABOR RELATIONS ASSOCIATION NEWSLETTER, WINTER, 2001

Letter From The President

Fellow Members:

HOPE YOUR HOLIDAYS WERE MEMORABLE and your new year is off to a great start!

Our Fall program, *Dealing with Difficult and Dysfunctional Employees*, held November 9, 2000 was a tremendous success, both in terms of attendance and feedback. Our thanks to all who made it possible!

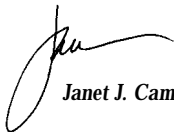
Our annual conference will again provide an excellent program with a wide array of topics with talented and informative speakers. Please join us February 4-6, 2001 at Cherry Valley Lodge in Newark. Our association is known for combining useful training on hot topics with warm hospitality!

The NPELRA conference will be held April 1-5, 2001 in New Orleans, Louisiana. As part of the conference, a resource center is available to display materials from public agencies from around the country. The types of materials may include labor contracts, employee handbooks, impasse procedure findings, and information about innovative programs. You may provide several copies of a document or a display copy. If you are interested in providing materials for the resource center, please contact NPELRA Board member Matt Iarocci at (914) 654-2168.

Additionally, awards are presented at the NPELRA conference. The awards include: the *Pacesetter Award* which is given to an individual who has demonstrated a commitment and leadership in the field of public sector labor relations; and the *Award of Excellence* which is given to an individual who has made an outstanding contribution to management in the field of public sector labor relations. If you'd like more information and to get an application form, please contact me at jjcampbell@cmhmetro.net. It would be a great tribute to recognize some of our members for their contributions!

The Board is looking forward to seeing you at Cherry Valley!

Sincerely,



Janet J. Campbell, President

OHPELRA Fall Symposium Draws Record Crowd

By Judith Pepper, OHPELRA Board Member

ON NOVEMBER 9, 2000 OVER 200 LABOR RELATIONS and other human resources professionals, managers and supervisors gathered at the Columbus Athenaeum. They were drawn by the subject, *Dealing with Difficult and Dysfunctional Employees*, presented by Stephen J. Hirschfeld and John F. Baum of the law firm of Curiale Dellaverson Hirschfeld Kelly & Kramer. The OHPELRA Board brought the duo in from San Francisco to give those who manage people practical, hands on advice on problem employees and some of the complex social problems that spill over into the workplace. Hirschfeld and Baum are partners in the San Francisco office of their firm, and their specialties are labor and employment law and union-related matters.

Hirschfeld posed the thesis question of the day: "How can we abide by the law and also hold difficult employees accountable?" The key is to spot the landmines and manage around them.

A short article cannot begin to convey the wealth of information presented on accommodating individuals with psychiatric disabilities, but here are a few interesting points gleaned from the day and the symposium papers:

- Courts generally recognize that essential job functions include not only physical but cognitive functions such as getting along with others, regularly appearing for work on time and accepting direction and criticism from a supervisor. Further, courts have upheld these as implicit essential functions, which do not have to be listed in a job description.
- When a disabled employee is no longer able to perform essential job functions, the employer is not required to create a new job or to promote the employee in order to accomplish accommodation. The obligation to reassign is to equivalent positions in terms of status, pay and location. If an equivalent position does not exist, reassignment may be made to a vacant lower level position within the employee's abilities.
- If job restructuring is the method of accommodation and consequently co-workers have had to assume more duties, consider taking some duties from those co-workers and giving them to the employee being accommodated. This, of course, assumes that the duties are within the abilities of the accommodated worker.

The presentation on workplace violence described the new wave of violent conduct as perhaps not murderous but just as intent on causing harm. Over the decade of the '90s the number of



See Page Two for
complete coverage
of the 17th Annual
OHPELRA Conference

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OHPELRA Returns To Cherry Valley For 2001 Annual Conference

THE HIGHLIGHT OF THE OHPELRA YEAR is the Annual Training Conference in February at the beautiful Cherry Valley Lodge and Conference Center just outside Newark. Our 17th Annual Conference, from February 4 through 6, 2001, promises to give our members what they have always enjoyed: top-flight training combined with the chance to enjoy each other's company in an otherwise cold and dreary time of year.

We will start off Sunday afternoon with a group discussion on issues facing us as leaders in public-sector labor relations and human resources, followed by an opening reception in Cherry Valley's warm and beautiful library. Monday's session will feature popular speaker Deborah Adams and a nationally recognized speaker on diversity and inclusion, Dr. Edwin Nichols of Washington. His take on managing and valuing diversity is innovative and challenging—and unforgettable.

Concurrent sessions on Monday and Tuesday will look at a wide range of issues, including the positives and negatives of commonly used arbitrators, taking interviewing to the next level, the trend toward Internet-based public service, and the privacy rights of public employees. We close on Tuesday afternoon with a plenary presentation by William Patterson on *Dealing Effectively with the Media*, and a game show test of your knowledge of legal issues affecting HR—"Put Your Job in Jeopardy!"

OHPELRA's Annual Conference is an



outstanding opportunity to learn from each other as well as from some of the best experts in the field. Join our growing band—it's the one good thing about February! If you have not already done so, fill out the registration form elsewhere in this newsletter and mail it or fax it to Joy Campbell at (513) 785-5199. See you at Cherry Valley!

"OHPELRA'S FALL SYMPOSIUM", CONTINUED

homicides and incidents of serious physical injury are down, but there are more reports of violent workplace episodes. Hirschfeld and Baum outlined levels of workplace violence, warning indicators, a five-step program of prevention and intervention and legal implications of preventing and responding to workplace violence.

- A direct threat (significant risk of substantial harm) of violence or dangerous behavior should never be tolerated. Factors to consider: duration of the risk, nature and severity of the potential harm, likelihood that harm will occur, imminence of the potential harm.

Areas covered on the subject of disciplining public sector employees included investigations, performance appraisals, past practice considerations, pitfalls of lax prior enforcement, guidelines for establishing new rules in a union environment, disparate treatment analysis, addressing ADA and FMLA in the disciplinary context and settlement considerations.

LAISSEZ LES BON TEMPS ROULER!— NPELRA MEETS IN NEW ORLEANS

By now you should have received registration materials for NPELRA's 30th Annual Training Conference in New Orleans, April 1-5, 2001. If you have never attended a national conference before, we invite you to join the large Ohio delegation for four days of outstanding training in public-sector human resources and labor relations. For more information, call NPELRA President Doug Duckett at (513) 887-3257. **Let the good times roll!**

I'm Not Only Shy... But I Am Retiring!

By Tom Payne

GREETINGS FROM THE LAND OF RETIREMENT where the sun shines every day, the deadlines are remote and the phrase "pursuit of happiness" appears on my "to do" list.

It is hard to believe that nine months have passed since I retired in February, 2000. I wish all my good friends in OHPELRA a Happy New Year and continued success as you do the important work of public sector employee-management relations and management advocacy. This John Q. Public believes we need your best efforts more than ever to strengthen public management. When I announced my retirement people would ask me what I will be

doing. My stock answer was that I would spend time improving my golf game, take time to smell the roses and learn new skills that are expected of retirees. I still am unable to drive my car in the passing lane five miles below the posted speed limit with my left blinker on continuously! Also, there is no truth to the rumor that Frank Hotze and I got together one day to reach impasse. Just for old times sake.

I appreciate my friend Judith Pepper asking me to share my thoughts about retirement with my OHPELRA associates. Believe me, thirty years came sooner than expected! Planning should begin about three years before the expected retirement date. PERS should be

contacted no later than six months prior to the expected date.

I was not alone in my transition to retirement. It impacted me, Linda and our four children. (We are now the proud parents of a great son-in-law named Brad.) I strongly recommend you attend available sessions on retirement planning and bring your significant other along.

Do a financial assessment to determine your needs before you decide to retire. Deferred compensation is a wonderful investment option as is the Roth IRA so be sure to get some financial advice as early as possible in your career to grow supplemental funds for retirement. Decide about future employment opportunities you may wish to pursue. Maintain a healthy lifestyle with an exercise regimen that takes

advantage of more available time.

What do I miss most in retirement? The daily interaction with the good people of the City of Dayton organization and my peer professionals of OHPELRA. I admire the growing stature of the PELRA with Doug Duckett at the helm of the national and Janet Campbell leading Ohio. At one of the early OHPELRA meetings in the 1980s, Dean Denlinger who was a Charter member, fine attorney and world class punster commented on our name. "OPAL-RAH..." Why that sounds like a cheer at a rally for a German Buick." Now we can say OHPELRA has certainly made a name for itself as one of the top public management advocacy associations and a vital contributor to NPELRA. Keep on keepin' on...

Tom Payne, one of OHPELRA's founders and a past president, was honored together with past president Frank Hotze as OHPELRA's first lifetime honorary members.

Welcome New OHPELRA Members!

The following people have joined since our last newsletter, and we welcome them to OHPELRA:

Gwendolyn Moore Brown
Personnel Director
Lucas County Board
of Commissioners

Mary Frederick Coy, Esq.
Vice President-Administration and Counsel
Toledo-Lucas Port Authority

Cynthia DeWitt
Director of Staff Development
Clermont County

John Howe
Human Resources Manager
Ashtabula County Department of
Job and Family Services

Margaret Hutchinson
Human Resources and Legal Administrator
Toledo-Lucas Port Authority

Michael Musarro
Administrator
Cuyahoga County Treasurer's Office

Thomas Nowel
Human Resources Director
Butler County Children Services Board

Joseph Pedro
County Administrator
Ashtabula County

Karen Sejas
Human Resources Analyst
City of Kettering

Vicki Tarr
Deputy Director
Allen County Child Support
Enforcement Agency

Linda Triplett
Accounts/Benefits Coordinator
Harrison Township

2001 OHPELRA Conference Registration Form

Name:

Title:

Agency:

Address:

City: State: Zip:

Telephone: (.....)..... Facsimile: (.....)

Fees

Total Enclosed:

Member Rate \$175.00 \$

Non-Member Rate \$205.00 \$

Single Day Registration **Only:** Monday or Tuesday (Check Day Desired)

Member Rate (one-day) \$ 95.00 \$

Non-Member Rate (one-day) \$ 110.00 \$

Please bill my organization: (TOTAL FEES) \$

Make all checks payable to OHPELRA. Taxpayer ID# is 31-1614788.

Will you be attending the banquet on Monday, February 5, 2001?

Yes No

If yes, choose one entree: Beef Chicken Vegetarian

Note: Dress is casual for banquet and all receptions, programs, and meetings.

Registration fees, minus a \$40.00 administrative fee, will be refunded if the written cancellation **is received no later than January 26, 2001**. Substitutions may be made at any time. No refunds will be offered after that time.

Hotel reservations must be made **directly** with Cherry Valley Lodge. Please mention this conference to take advantage of our reserved block of rooms. **NOTE: Room block guarantee expires several weeks before the conference, so reserve your room early!**

Contact Cherry Valley Lodge for directions and information at (740) 788-1200.

Please mail or fax completed form to:

Laura Joy Campbell, *OHPELRA Treasurer*
Butler County Department of Personnel
315 High Street, 6th Floor
Hamilton, Ohio 45011-6016

Phone: (513) 887-3595
FAX: (513) 785-5199



Ohio Is The State Of Presidents...And That Includes NPELRA!

Judith Pepper, OHPELRA Board Member and Director of Administrative Services for the Miami Valley RTA in Dayton, interviewed **Douglas E. Duckett, Esq.**, President of the National Public Employer Labor Relations Association, and Personnel Director and Labor Counsel for Butler County. Doug also served as OHPELRA President from 1992 to 1994. He is the first Ohioan elected to the National Board and the NPELRA Presidency.



Doug, you have an impressive history with our organization, moving to the very top of the National organization. When did this all start—when did you join OHPELRA?

I first got involved with OHPELRA right after coming to work with Butler County in 1985, and as is true of so many of us, Jonathan Downes, one of our founders, was the catalyst. I had clerked for Jonathan while in law school, and he said that I needed to get hooked into OHPELRA, if I were working in public-sector labor relations.

Gee, that was in the olden days! The Ohio Chapter (OHPELRA) must have been in its infancy then. Any of the other “old timers” still active?

Thanks for reminding me of how long ago that was! Jonathan and Tom Payne were still very much active at that point, and they were two of our founders. I had two real mentors at that time, Marsha Jordan-Smart of Greene County and Kevin Sellards, then with Clark County but now with Mahoning County. We were both active in the County Personnel Association then, but more and more OHPELRA became the focus of our activities. Marsha and Kevin both preceded me as OHPELRA president; in fact, Marsha was our first woman president and the person who truly revived OHPELRA when it had nearly died out with inactivity. When I became Vice President under Marsha, we only had 25-30 people at our Annual Conference. Think about how different it is now!

Was OHPELRA founded before or after enactment of the Ohio Public Employer Collective Bargaining Law?

Just so I can hold on to some illusions of youth, I don't go back quite that far. But my understanding is that OHPELRA was founded primarily in response to the

“OHIO IS THE STATE OF PRESIDENTS”, CONTINUED

passage of the Act in 1983. Tom Payne and Jonathan Downes, among others, saw that need for public-sector management to learn quickly to face the new reality. They made the dream happen.

What were some of the early issues?

At the beginning, we were far more focused on representation issues and fact-finding than we are today. Both are still realities, of course, but most offices that are going to unionize have done so, and most employers and unions in mature bargaining relationships understand that a deal reached at the table is usually better for both sides than one imposed by an arbitrator. The other difference is that we are not as besieged as we were then. The garrison mentality is gone. In part that reflects the move toward more cooperative, open bargaining relationships, which may be another part of that maturity.

What is your favorite story from those early days?

We all love war stories; it's an occupational illness for negotiators. I suppose I mainly remember how chaotic it was for Marsha and me—and our long-time treasurer Pat Webster from Greene County—to manage the organization from a cardboard box of records, which moved from president to president. When Pat came along as Treasurer, she set us on the road to organization, which then allowed us to plan and grow. It's easy to lose track of how far we've come, until these questions make me look back and remember how small we once were!

Let's fast-forward to today. How have you seen OHPELRA change over your years?

There have been huge changes. First of all there is the size. When I first joined, we had 20 to 30 people at an annual conference, and we met under the umbrella of the Winter Conference of the County Commissioners Association of Ohio.

I can remember when we first broke off from CCAO—we were very nervous about that—and our attendance doubled to 60. We were ecstatic; thought that was huge! When I was elected to the NPELRA Board of Directors in 1994, we were the sixth biggest chapter in the country. Now we are second. It is simply incredible.

The second change though is the quality of the programs. This year I have traveled all over the country to state PELRA meetings. They are very fine organizations with great programs, but I can tell you that Ohio compares well with the best of them. We provide our members a top-flight product, and I am very proud to be part of it. The people who followed me as OHPELRA president, Rick Strader, Frank Hotze, Felicia Bernardini, and now Jan Campbell, have taken this organization to new heights. And we have always had an incredible and committed board serving this organization.

And now you are President of the National PELRA...a lawyer, personnel director of a large county organization, yet you still have time for OHPELRA even down to the detail of writing newsletter articles, doing the layout and overseeing newsletter printing. What a commitment—how do you do it all? But first maybe you should tell me what the NPELRA President does—I hear you have quite a travel schedule.

This year feels a little like the movie, *If It's Tuesday, This Must Be Brussels*. I have traveled a lot, so far to nine state PELRAs, with four more to go in 2001, including Ohio's. It is pretty hectic. I'll tell you what makes it possible. First, I have a County Administrator and Board of Commissioners who are very proud to have a national president on their staff and have been incredibly supportive. Second, our OHPELRA Treasurer Joy Campbell is my Assistant Director, and she is just as effective in my office as she is for OHPELRA. She and my secretary Teresa Hatfield keep things running

when I'm away. Without that base, I could never do anything. The technology also helps. I take a lap top with me and a cell phone (God help me; I finally broke down and got one). If you handle your e-mails and phone calls from the road, it is amazing how many people don't even realize you are out of the office. Of course, my “real job” doesn't go away. How do I do it? Like the Nike ads say, you just do it. My work for Butler County and my work for NPELRA and OHPELRA are all very important to me, and I make time for what is important. All of us have to juggle things in our lives, and I am no different. Frankly, my juggling routine doesn't compare with some of our employees who care for children and aging parents while they hold down a full-time job.

What is the focus of your presidency? What is the one thing you want to be remembered for?

What a great, and hard, question. I really struggled with this. Some of my predecessors had their “one big project”: Jim Pendergast's dream was the NPELRA scholarship program; Madge Blakey's was the Labor Relations Academy. Both are wonderful legacies. My dream is less tangible, but important: I want to cement a change in the culture of the organization so deeply that it becomes rooted within NPELRA. When people like Marsha Jordan-Smart and I first became active in NPELRA in the late 1980s, it was not always so warm and welcoming to new people and new ideas. Sometimes it felt “clubby” and cliquish. Information was not widely shared with either members or the state PELRA organizations.

That has changed dramatically, and did so well before I became president. The only thing that I am doing differently is talking about that intentionally as I go around the country. I am also using the technology to communicate regularly. Every state president and state board gets a monthly e-mail update from me on what NPELRA is doing. They may be sick of hearing from me by the end of my term, but our key state leaders will know what the national is

doing, and I can only hope they will pass that on to our members too.

It is great to have this one-on-one conversation with the National President, so now I'm going to ask a selfish question. What advice can you give me about training and mentoring my new labor relations staff member? She is halfway through a masters program in labor relations, so she has the basic book learnin'. Where to from there?

I encourage you to use one of NPELRA's newest and best programs, the NPELRA Labor Relations Academy. This was the dream of our past president Madge Blakey, and it is modeled on CALPELRA's very successful program. The Academy comes in three modules, and completion of the three sections plus a paper leads to certification as a Labor Relations Academy Master. It is designed with the person new to the field particularly in mind, but even experienced practitioners gain a lot from this program, as Marsha Jordan-Smart explained in the last issue. I would also recommend you get your new person to the NPELRA and OHPELRA conferences, since we offer such outstanding training at both levels. We do practical, hands-on stuff.

Doug, I think there is magic in this organization. It offers the most practical training, the greatest opportunity for networking and the most sincere mentoring I have ever experienced. To what do you attribute this so-called magic?

I attribute that to a quality I have talked about a lot during my year as president: passionate commitment. Our members are passionate about our work, and the state PELRAs that work, like Ohio's, have members who are passionate about our organization. Our work is very hard and draining. We understand each other. We teach each other. And we enjoy being with each other. It really is that simple. But it doesn't just happen; people like you, like me, work very hard to make it come together. Our members need to remember that when they say, “OHPELRA ought to do this,” those members are OHPELRA. We have to commit and build with that passion.

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OHPELRA Thanks Sponsors Of The 16th Annual Training Conference:

Baker & Hostetler, LLP
Downes & Hurst
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We appreciate our sponsors' commitment
and on-going support!

"OHIO IS THE STATE OF PRESIDENTS", CONTINUED

And now my last question to determine if you are the perfect professional. Do you play golf? Seriously, what do you do for fun?

I am a lawyer who does not golf (gasp!). I did golf for the first time in 28 years during my visit to Michigan PELRA because it was so important to that group. It was not pretty.

I love to travel; it is my main vice. I have an all-consuming interest in Israel and the Middle East and study and speak Hebrew; despite the tragic turn of recent events, plan to continue with my every-other-year visits to Israel. I love theater and see a great deal in Cincinnati and in New York. As I contemplate post-NPELRA life, I may take up some more serious writing and perhaps some teaching on the side, which I love. But while the work in NPELRA and OHPELRA is time-consuming, it is also a lot of fun, and one of my great joys.

Thanks so much for your time. I have enjoyed it, and I plan to follow at least some of your advice on orienting my new staff! Who knows, maybe I'm grooming the next NPELRA President from Ohio.

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The logo features a stylized outline of the state of Ohio in black, positioned to the left of the text "OHPELRA Update". The text "OHPELRA" is in a bold, sans-serif font, and "Update" is in a larger, bold, sans-serif font. The background behind the text is a light gray with a subtle, textured pattern.

c/o Butler County Department of Personnel
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